

The Berryville Town Council held one Public Hearing on January 10, 2006 in the Town Council Chambers at 15 E. Main Street, Berryville, Virginia.

The following were present:

Council -	Richard G. Sponseller, Mayor Allan W. McWilliams, Recorder Wilson Kirby Lawrence Russell, III Barry Nicholson Allen Kitselman
Staff -	Keith R. Dalton, Town Manager Christy Dunkle, Asst. Town Mgr/Town Planner Acting Chief Neal White, Police Department Celeste Heath, Town Clerk
Press -	Winchester Star: Suzanne Wilder Clarke Courier: Claudia Bigelow

Mayor Sponseller called the public hearing to order to hear comments on the following:
Proposed text amendment to Section 320.1 of the Berryville Zoning Ordinance modifying curb and gutter requirements on public streets. Ms. Dunkle stated that the public hearing notice ran in the Clarke Times Courier on December 29, 2005 and January 5, 2006 (copy attached) and that no public comment was received in the town office.

Mayor Sponseller then asked for public comment on the matter.

Mr. Alton Echols of Ketocin Land Company stated that he has supplied a memorandum of law regarding this matter over the years. He said that he cannot be required to provide curb and gutter and sidewalks in his development because these improvements can't be justified as substantially beneficial to the development. He said that for the same reason he is not obliged to provide landscaping as required by the Berryville Zoning Ordinance.

There being no further comment from the public or Council, upon motion by Council member Nicholson, second by Council member McWilliams the public hearing was adjourned.

Mayor Sponseller called the TOWN COUNCIL MEETING to order at 7:42 p.m.

On motion by Council member Nicholson, seconded by Recorder McWilliams and passed, the minutes of the Council meeting of December 13th, 2005 were approved with changes to attendance at the meeting to note absences.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Allan W. McWilliams, Recorder
 Wilson Kirby
 Allen Kitselman
 Barry Nicholson
 Lawrence Russell, III

 Nay – None

Citizen's Forum

Alton Echols of Ketocin Land Company said that at the last Council meeting he was questioned for discussing a non-agenda item and referencing a letter sent to Ketocin about the development. He said that he takes issue with the Mayor's reprimand at the last meeting.

Council member Nicholson said that he disagrees and that Mr. Echols is constantly bringing items to the Citizen's Forum that are more appropriately agenda items. He said that the Town Council needs time to absorb the facts of these matters and that a developer needs to get items on the agenda so that they can be discussed competently.

Mr. Echols then said that he published a list of what he considers the twelve mistakes in planning in the Town of Berryville and the Comprehensive Plan. He said that the Town Council's New Year's resolution should be to address these twelve items.

Report of the Mayor, Richard G. Sponseller

Mayor Sponseller said that he would give his report with the Town Manager's report.

Action Item - Proposed text amendment to Section 320.1 of the Berryville Zoning Ordinance modifying curb and gutter requirements on public streets

Ms. Dunkle said that this change is to clarify existing language in the zoning ordinance concerning the requirement of curb and gutter on all public streets.

It was moved by Council member Kitselman, seconded by Recorder McWilliams and passed that the Council of the Town of Berryville adopt changes to section 320.1 RESIDENTIAL SUBDIVISIONS of the Berryville Zoning Ordinance as follows:

In residential subdivisions, curb and gutter shall be required on both sides of all public streets within the subdivision and along the side of each public street, except Virginia Route 7 Bypass, which borders the subdivision.

Recorded Vote: Aye - Richard G. Sponseller, Mayor
 Allan W. McWilliams, Recorder
 Wilson Kirby
 Lawrence Russell, III
 Barry Nicholson
 Allen Kitselman

Nay - None

**BERRYVILLE TOWN COUNCIL
PUBLIC HEARING NOTICE**

The Berryville Town Council will hold the following public hearing at 7:30 p.m., or as soon after as the matter may be heard, on Tuesday, January 10, 2006, in the Town Council Chambers, 15 East Main Street, Berryville, Virginia to consider the following:

Text Amendment

**Proposed text amendment to Section 320.1 of the Berryville Zoning Ordinance
modifying curb and gutter requirements on public streets.**

Copies of the amendment may be examined at the Berryville Planning Office, 15 East Main Street, Berryville, Virginia during regular business hours. Additional information may be obtained by calling Assistant Town Manager Christy Dunkle at 955-4081. Any person desiring to be heard on this matter should appear at the appointed time and place.

The Town of Berryville does not discriminate against disabled persons in admission or access to its programs and activities. Accommodations will be made for disabled persons upon prior request.

Christy N. Dunkle, Town Planner

BERRYVILLE TOWN COUNCIL

MOTION FOR APPROVAL OF TEXT AMENDMENT TO SECTION 320.1 OF THE
BERRYVILLE ZONING ORDINANCE MODIFYING CURB AND GUTTER REQUIREMENTS
ON PUBLIC STREETS.

Date: January 10, 2005

Motion By: Allan W. McWilliams

Second By: Allen Kitselman

I move that the Council of the Town of Berryville adopt changes to
section 320.1 RESIDENTIAL SUBDIVISIONS of the Berryville Zoning
Ordinance as follows:

In residential subdivisions, curb and gutter shall be required on
both sides of all public streets within the subdivision and along
the side of each public street, except Virginia Route 7 Bypass,
which borders the subdivision.

VOTE:

Aye: Richard G. Sponseller, Mayor
Allan W. McWilliams, Recorder
Allen Kitselman
Wilson Kirby
Lawrence Russell, III
Barry Nicholson

Nay: NONE

Absent: NONE

ATTEST:

Allan W. McWilliams, Recorder

**Set Public Hearing – Special Use Permit
Home Occupation – Daycare**

Ms Dunkle said that the Planning Commission held a public hearing on the following request at their December meeting:

Taylor Bailey, Owner, is requesting a Special Use Permit for a Home Occupation in order to operate a daycare business at the property located at 14 Bundy Street, identified as Tax Map Parcel number 14A-2-((A))-12 zoned DR-4 Residential.

A public hearing was set on the matter for February 14, 2006 at 7:30 p.m.

Discussion – Signage Regulations

Ms. Dunkle reported that the Architectural Review Board has requested that she review the sign ordinance regarding temporary signage. She said that Section 307.2 of the ordinance allows temporary signage for civic, philanthropic, education, or religious organizations. The ARB thinks that temporary banners for businesses should also be permitted. She explained that these would be temporary banners to announce a special event and would be approved for a limited time frame.

After a brief discussion, the Council recommended that the ARB forward some language on the matter for the Council to consider. Council member Nicholson suggested that staff research how other jurisdictions define a special event.

Ms. Dunkle also reported that the ARB is also concerned that Section 307.3 of the ordinance allows permanent signs identifying subdivisions. Ms. Dunkle said that these signs have been discouraged in order to foster a greater sense of community. She said that the ARB would like to discuss removing the section that allows these signs. The Council asked that the ARB forward a recommendation to them on this matter.

Report of Town Planner, Christy Dunkle

Ms. Dunkle reported that the Planning Commission conditionally approved a preliminary plat for Fellowship Square and a site plan for St. Luke's Baptist Church.

Ms. Dunkle reported that the final phase of the Hermitage subdivision was approved at the last BADA meeting and that the ARB approved signage for Mario's Pizza.

Report of Town Manager, Keith R. Dalton

Mr. Dalton urged the Council to look over the Planning Department's year-end report. He said that there are lots of changes in town.

Sewer Repair

Mr. Dalton reported that the SSES work was completed by View Engineering. This is an analysis of the Town's sewer collection system to find where we have I&I and where there is patching.

He said that there are cracks on the top side of the sewer main on Academy Street Extended. He said that this is a town maintained street and the repair will include replacement of the sewer main, rehabilitation of two manholes, sewer lateral replacement, water lateral replacement, and repaving of the street. He said that the vast majority of the cost for this project will be covered by the \$60,000 budgeted in the sewer fund.

Mr. Dalton noted that there is also part of a line that was knocked out by a contractor on Byrd Avenue that needs to be repaired. The Council had no objection to paying for these projects with the sewer fund line item.

Bike Path

Mr. Dalton reported that the bike path construction is stalled but the contractor will begin again this week and finish as quickly as he can.

Mayor Sponseller noted that there has been preliminary contact with some property owners regarding a second bike path on the south side of Route 7. Mr. Dalton said that the route for this path has not been determined. He said that once a site for the new high school is determined the exact bike path route can be nailed down.

Truck Restriction

Mr. Dalton said that he spoke to VDOT last week and that they will be taking the truck restriction back to the supervisors in Richmond because it is less restrictive than the standard restriction. He said that he should have some more information in February.

Council member Kirby said that the cross slope on the bike trail seems to vary quite a bit. He asked if the town has a plan to maintain a cross slope on the trail. Mr. Dalton said that there is no plan for that and that the contractor is trying to contour the path to the land as best as possible.

REPORTS OF STANDING COMMITTEES

a. Police & Security - Allan W. McWilliams, Chair
Nothing to add.

b. Community Improvements – Barry Nicholson, Chair
Council member Nicholson reported that the Barns committee is holding a volunteer meeting on February 14th at 10 a.m. at the Grace Episcopal Church.

c. Streets & Utilities – Barry Nicholson, Chair

d. Planning Commission Liaison - Lawrence Russell, Chair
Nothing to add.

e. BADA Liaison
Nothing to add.

f. Personnel/Appointments – Richard Sponseller, Chair
Nothing to add.

g. Budget/Finance/CIP - Allan W. McWilliams

Recorder McWilliams reported that revenues are at 40% and expenses are at 22.5%. He said that work begins on next year's budget begins this month.

Other Business

Council member Nicholson said that he would like to see the Town get rid of the snow in downtown with more efficiency, especially during the holidays. He said it may cost some money but it will be worth it. Council member Russell said that he heard a few complaints after the last snow.

Mayor Sponseller said that the timing of the snow in December and the ice that fell afterwards made it especially hard to remove. Mr. Dalton said that quite often it turns warm right after a snow but sometimes we get stuck and the snow freezes. He noted that VDOT will not reimburse for this type of removal but it can still be done. Council member Kitselman said it is worth the expense to get the snow out of parking spaces. The Council then authorized Mr. Dalton to be more aggressive about snow removal on Main Street even if additional expense is incurred.

Mayor Sponseller asked when the Town's web site would be launched. Mr. Dalton said it would be launched in mid-February.

Mayor Sponseller noted that Council member McWilliams will step down at the end of his term. He said that Bugs has served on the Council for 24 years and has done his civic duty.

There being no further business, on motion by Recorder McWilliams, second by Council member Kitselman and passed the Council meeting was adjourned at 8:14 p.m.

Richard G. Sponseller, Mayor

Allan W. McWilliams, Recorder